

### **REMARKS**

This is in response to the Office Action mailed on December 27, 2004, and the references cited therewith.

Claims 1, 4, 9, and 15 are amended; as a result, claims 1-20 are now pending in this application.

#### **§112 Rejection of the Claims**

Claims 4-6 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner's presumption is correct; claim 4 was dependent from claim 3. This correction has been made above with the amendment of claim 4. Therefore, the rejections presented here have been overcome and are no longer appropriate.

#### **§103 Rejection of the Claims**

Claims 1-11, 13, 15, 17-18 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Khan et al (U.S. 6,401,206) in view of Mashayekhi (U.S. 5,818,936). It is of course fundamental that in order to sustain an obviousness rejection that each and every step or element in the rejected claims must be taught or suggested in the proposed combination of references.

More specifically, the Examiner has cited the public key techniques presented in Khan as the session key recited in Applicant's independent claims 1, 9, and 15. A public key is well-known in the art and is associated with public-private key pairs. The public key is Khan and its usage is consistent with this usage. A public key is distributed by entities or resources and is at least partially created based on those entities or resources corresponding private keys. Public keys are not temporary; meaning an entity does not frequently change its public-private key pairs and an entity does not negotiate with another resource to create its public-private key pair.

Applicant has amended independent claims 1, 9, and 15 to more clearly point out that the Applicant's session key is in fact temporary, such that it becomes invalid when a session terminates. Moreover, support for this amendment is provided in the original filed application on page 13, second full paragraph, lines 8-20. It is clear that the session key of Applicant's

invention is not equivalent to a public key, this is so because the session key is temporary and terminates once a session terminates and because the session key is negotiated. As mentioned above, public keys are not temporary and do not become invalid upon the termination of a session. Furthermore, public keys are not negotiated. In fact, Khan does not discuss the concept of session at all.

Therefore, Applicant asserts that the present rejections with respect to Applicant's independent claims should be withdrawn because the session key of Applicant's claims cannot be said to be the public key of the Kahn reference. Applicant respectfully request that the rejections of the present action be withdrawn.

Claims 12, 14, 16 and 19 were rejected under 35 USC § 103(a) as being unpatentable over Khan et al in view of Mashayekhi as applied to claims 9 and 15, and further in view of Spies et al. (U.S. 5,869,565). Claims 12 and 14 are dependent upon amended independent claim 9 and claims 16 and 19 are dependent upon amended independent claim 15. Thus, for the amendments and remarks presented above with respect to claims 9 and 15, the rejections with respect to claims 12, 14, 16, and 19 should be withdrawn.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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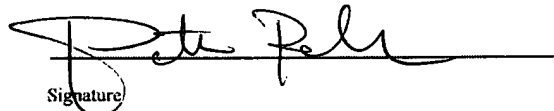
By

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of March, 2005.

Peter Rebuffoni

Name

  
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